

## Message Text

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ORIGIN NODS-00

INFO OCT-01 ISO-00 /001 R

DRAFTED BY EA/K:RGRICH,JR.:JCM  
APPROVED BY EA - MR. GLEYSSTEEN  
L/EA - MRS. VERVILLE  
P - MR. FORBES (SUBS.)  
JUSTICE - MR. MICHEL  
S/S-O:JETHYDEN

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O 130245Z DEC 77 ZFF6  
FM SECSTATE WASHDC  
TO AMEMBASSY SEOUL IMMEDIATE  
INFO USDEL SECRETARY IMMEDIATE  
WHITE HOUSE IMMEDIATE

S E C R E T STATE 296610 TOSEC 120153

EXDIS DISTRIBUTE AS NODIS

E.O. 11652: GDS

TAGS: PGOV, KS, US

SUBJECT: TONGSUN PARK AFFAIR: NEGOTIATION OF JOINT  
STATEMENT

REFS: (A) SEOUL 10443, (B) STATE 295455.

1. THIS MESSAGE RESPONDS PRINCIPALLY TO DECEMBER 12 PROPOSALS BY FOREIGN MINISTER PAK TONG-JIN REGARDING NEGOTIATION OF THE PROPOSED JOINT STATEMENT.
2. WE HAVE INDEED COME A LONG WAY TOWARD BEGINNING A SOLUTION OF THE TONGSUN PARK AFFAIR. FOREIGN MINISTER'S COMMITMENT THAT TONGSUN PARK'S LETTER WILL BE AVAILABLE  
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AT THE TIME OF THE JOINT STATEMENT ANNOUNCEMENT IS MOST IMPORTANT. WE WOULD ALSO APPRECIATE ASSURANCES REGARDING THE ESSENTIAL CONTENT OF THE LETTER AND TONGSUN PARK'S PREPAREDNESS TO RESPOND POSITIVELY TO PRESS QUERIES AS DESCRIBED IN REF (B). SEPARATELY, WE WILL RESPOND TO THE ROKG COMMENTS ON THE MUTUAL PROSECUTION ASSISTANCE AGREEMENT (MPAA). SINCE THERE ARE STILL SOME POTENTIAL STICKING POINTS ON THE MPAA TEXT, WE WILL NEED ALSO TO

HAVE CLEARLY SATISFACTORY RESPONSE FROM ROKG ON MPAA

BEFORE PROCEEDING WITH PUBLIC ANNOUNCEMENT.

3. COMMENTS FOLLOW ON ROKG PROPOSALS IN REF (A) FOR CHANGES IN JOINT STATEMENT. NUMBERING USED CONFORMS TO NEW NUMBERING TO BE USED HENCEFORTH, WITH NUMBERING USED HERETOFORE IN PARENTHESIS. AT END OF ITEM BY ITEM COMMENT, WE HAVE REPRODUCED ENTIRE TEXT OF JOINT STATEMENT AS WE NOW HAVE IT HERE, COMPLETE WITH NEW NUMBERING.

4. ITEM BY ITEM RESPONSES BY PARAGRAPH FOLLOW. IN A FEW INSTANCES, WE HAVE INTRODUCED MINOR WORDING CHANGES IN EFFORT CAREFULLY TO IMPROVE FINAL TEXT WITHOUT INTRODUCING NEW SUBSTANTIVE ELEMENTS INTO OUR DIALOGUE:

1. (2). CHANGE ACCEPTED. WE ALSO WISH TO IMPROVE THIS PARAGRAPH BY CHANGING "INTERVIEW" TO "MEETING," AND ALTERING THE DESCRIPTION OF THE MEMORANDUM OF UNDERSTANDING TO READ: "CONCERNING MR. TONGSUN PARK'S AGREEMENT TO GIVE TRUTHFUL TESTIMONY AND THE DEPARTMENT OF JUSTICE'S OFFER TO GRANT HIM FULL IMMUNITY AND, AFTER COMPLETION OF HIS COOPERATION, TO SEEK THE DISMISSAL OF THE INDICTMENT NOW PENDING AGAINST  
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HIM."

2. (3E). CHANGE ACCEPTED.

3.B. CHANGE ACCEPTED, BUT YOU SHOULD NOTE THAT OUR INTENTION IN THE INCLUSION OF THE WORD "PRIVATE" WAS TO EXPRESS CONCEPT THAT ONLY PROSECUTORS, TRANSLATORS, COURT REPORTERS, ETC. WOULD BE AT THE INTERROGATION SESSIONS, AND THAT EXTRANEIOUS PERSONS SHOULD NOT BE PERMITTED TO BE PRESENT.

3.C. CHANGE ACCEPTED. PLEASE CLARIFY THAT OUR INTENT HERE WAS PRINCIPALLY TO PROMOTE THE PACE OF QUESTION AND RESPONSE AS AMBASSADOR DESCRIBED TO THE FOREIGN MINISTER WHEN DISCUSSING THE MPAA (PARA 5 OF SEOUL 10442). WE WILL NEED TO RETAIN SOME SPECIFIC MATERIAL OF THIS NATURE IN THE MPAA.

3.D. CHANGE ACCEPTED. TO PROMOTE CLARITY, WE ALSO WISH TO CHANGE "PERMITTED" TO "USED," AND "INTERROGATION" TO "TESTIMONY." IMPLICATION OF LATTER CHANGE IS THAT NOT EVERYTHING SAID IN THE ROOM WOULD HAVE TO BE TAKEN DOWN ON VERBATIM RECORD, SINCE SOME INFORMAL EXCHANGES ARE ANTICIPATED.

4. CHANGE ACCEPTED.

4.C. IN ORDER TO PROMOTE UNIFORMNESS, WE PROPOSE TO

ADD "AND MR. PARK'S ACTIONS WITH REGARD TO THEM." AT THE  
END OF 4.C. IT WOULD THEN READ IDENTICALLY TO THE  
CHARACTERIZATION ALREADY AGREED UNDER 3.B.

4.D. WE PROPOSE THAT, TO INCREASE CLARITY, "THIS  
AGREEMENT" BE CHANGED TO "THE CONTEMPLATED MUTUAL  
PROSECUTION ASSISTANCE AGREEMENT."

4.F. WE PROPOSE TO DELETE THE INTRODUCTORY PHRASE OF  
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THIS PARAGRAPH IN ORDER TO AVOID CONFUSION. PARAGRAPH  
WOULD THUS BEGIN WITH: "MR. TONGSUN PARK WOULD BE  
ADMITTED...". REGRET THAT WE ARE UNABLE TO ACCEDE TO  
ROK REQUEST FOR CHANGE IN FINAL PORTION OF 4.F. WE HAVE  
EXPERIMENTED WITH SEVERAL ALTERNATIVES IN EFFORT TO  
STRENGTHEN APPEARANCE OF THE ASSURANCES BEING OFFERED.  
ALL EFFORTS, HOWEVER, RUN AFOUL OF BASIC SEPARATION  
OF POWERS AS WELL AS COURT PROCEDURES AVAILABLE TO PARK  
HIMSELF. PRESENT LANGUAGE IS FURTHEST WE CAN GO.  
IT IS BEST TO HAVE A CLEAR UNDERSTANDING OF THIS  
PROBLEM NOW RATHER THAN RECRIMINATIONS LATER.

5.B. WE ACCEPT INSERTION OF "AND THE REPUBLIC OF KOREA."  
IT IS DIFFICULT FOR US TO AGREE TO DELETION OF FINAL  
CLAUSE. HOWEVER, IN ORDER TO REMOVE ANY INTIMATION  
OF DISTRUST OF ROKG, WE PROPOSE THAT IT BE REWRITTEN  
TO READ: "AND WILL SEE THAT NOHING INTERFERES WITH  
MR. PARK'S FREEDOM TO TRAVEL TO THE UNITED STATES."  
HOPE THIS WILL MEET ROK OBJECTIONS WHILE RETAINING  
ESSENCE OF OUR CONCERN.

FINAL PARAGRAPH: WE AGREE TO FINAL UNNUMBERED PARAGRAPH  
ALONG LINES PROPOSED BY ROK. OUR SLIGHT REWRITE THEREOF  
INCORPORATED INTO FULL TEXT BELOW.

5. FOLLOWING FOR VERIFICATION PURPOSES IS COMPLETE  
TEXT OF PROPOSED JOINT STATEMENT INCORPORATING ALL  
DRAFTING CHANGES TO DATE, INCLUDING ITEMS DISCUSSED IN  
PARAGRAPHS ABOVE:

BEGIN QUOTE

TITLE: JOINT STATEMENT REGARDING COOPERATION BETWEEN  
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THE GOVERNMENTS OF THE REPUBLIC OF KOREA AND THE  
UNITED STATES CONCERNING THE CASE OF MR. TONGSUN PARK.

THE FOREIGN MINISTER OF THE REPULIC OF KOREA AND

THE AMBASSADOR OF THE UNITED STATES TO THE REPUBLIC OF KOREA TODAY JOINTLY ANNOUNCE THE FOLLOWING UNDERSTANDINGS BETWEEN THE TWO GOVERNMENTS GUIDING THEIR MUTUAL COOPERATION CONCERNING MR. TONGSUN PARK.

1. MR. TONGSUN PARK WILL MEET BRIEFLY WITH UNITED STATES OFFICIALS IN THE UNITED STATES EMBASSY IN SEOUL IN THE PRESENCE OF TWO KOREAN OFFICIALS AND MR. PARK'S COUNSEL. THE PURPOSE OF THIS MEETING WILL BE FOR SIGNING BY THE U.S. DEPARTMENT OF JUSTICE AND MR. PARK OF A MEMORANDUM OF UNDERSTANDING CONCERNING MR. TONGSUN PARK'S AGREEMENT TO GIVE TRUTHFUL TESTIMONY AND THE DEPARTMENT OF JUSTICE'S OFFER TO GRANT HIM FULL IMMUNITY AND, AFTER COMPLETION OF HIS COOPERATION, TO SEEK THE DISMISSAL OF THE INDICTMENT NOW PENDING AGAINST HIM.

2. A MUTUAL PROSECUTION ASSISTANCE AGREEMENT CONCERNING MR. TONGSUN PARK WILL BE SIGNED IN SEOUL BETWEEN REPRESENTATIVES OF THE REPUBLIC OF KOREA MINISTRY OF JUSTICE AND THE UNITED STATES JUSTICE DEPARTMENT PRIOR TO THE BEGINNING OF THE QUESTIONING OF MR. TONGSUN PARK. PROVISIONS OF THE AGREEMENT WILL BE LONSISTENT WITH THIS JOINT STATEMENT.

3. QUESTIONING OF MR. TONGSUN PARK IN KOREA.

A. MR. PARK WILL BE QUESTIONED IN SEOUL BY KOREAN AND AMERICAN PROSECUTORS AT A LOCATION TO BE MUTUALLY AGREED UPON AND ARRANGED BY THE KOREAN SIDE.

B. THERE WILL BE NO LIMITATION ON THE NUMBER OF QUESTIONING SESSIONS, BUT SUCH QUESTIONING SHALL BE  
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CONDUCTED DURING NORMAL OFFICE WORKING HOURS. SESSIONS WILL NOT BE OPEN TO THE PUBLIC. THE QUESTIONING WILL

CONCERN THE RELATIONSHIP BETWEEN MR. TONGSUN PARK AND UNITED STATES OFFICIALS AND PERSONS, AND MR. PARK'S ACTIONS WITH RESPECT TO THEM.

C. BOTH THE KOREAN AND U.S. PROSECUTORS WILL ENGAGE IN FULL AND DIRECT QUESTIONING OF MR. TONGSUN PARK.

D. OATHS WILL BE ADMINISTERED IN ACCORDANCE WITH KOREAN LAW AND INTERNATIONAL PRACTICES; POLYGRAPH EXAMINATION MAY BE USED; ENGLISH MAY BE USED IN QUESTIONS AND ANSWERS ALONG WITH KOREAN WITH THE HELP OF INTERPRETERS; AND VERBATIM RECORD WILL BE MADE OF THE TESTIMONY.

4. ARRANGEMENTS AND ASSURANCES FOR MR. TONGSUN PARK'S

TRIAL TESTIMONY BEFORE U.S. COURTS.

A. THE PURPOSE OF MR. TONGSUN PARK'S TRAVEL TO THE UNITED STATES UNDER THIS AGREEMENT IS TO TESTIFY AS A WITNESS IN COURT PROCEEDINGS AGAINST U.S. OFFICIALS OR PERSONS.

B. THE UNITED STATES DEPARTMENT OF JUSTICE WILL SEEK DISMISSAL BY THE COURT OF THE PENDING INDICTMENT AGAINST MR. TONGSUN PARK PROMPTLY UPON COMPLETION OF HIS TRUTHFUL TESTIMONY AT THE LAST U.S. COURT PROCEEDING AND WILL PROVIDE HIM WITH FULL IMMUNITY FROM ANY PAST CRIMINAL CONDUCT.

C. THE INTENTION OF THE UNITED STATES DEPARTMENT OF JUSTICE IS TO QUESTION MR. TONGSUN PARK BEFORE THE  
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COURT ON THE SUBJECT OF HIS RELATIONSHIP WITH U.S.

OFFICIALS AND PERSONS, AND MR. PARK'S ACTIONS WITH RESPECT TO THEM.

D. MR. TONGSUN PARK BY REASON OF THE CONTEMPLATED MUTUAL PROSECUTION ASSISTANCE AGREEMENT WILL ASSUME NO OBLIGATION TO APPEAR BEFORE CONGRESSIONAL COMMITTEES IN THE U.S. OR TO UNDERGO QUESTIONING BY ANY U.S. GOVERNMENT AGENCY OTHER THAN THE DEPARTMENT OF JUSTICE.

E. THE UNITED STATES GOVERNMENT GIVES FULL ASSURANCES THAT IT WILL TAKE ALL NECESSARY MEASURES TO PROTECT THE PERSONAL SAFETY OF MR. TONGSUN PARK WHEN IN THE UNITED STATES SHOULD CAUSE FOR SUCH MEASURES ARISE.

F. MR. TONGSUN PARK WOULD BE ADMITTED TO THE UNITED STATES ONLY FOR LIMITED PERIODS RELATED SPECIFICALLY TO

HIS ANTICIPATED COURT APPEARANCES AND WOULD BE EXPECTED TO RETURN PROMPTLY TO KOREA FOLLOWING EACH SUCH TRIAL.

5. MR. TONGSUN PARK'S TRAVEL TO AND FROM THE UNITED STATES.

A. THE REPUBLIC OF KOREA GOVERNMENT IS PREPARED ACTIVELY TO ADVISE MR. TONGSUN PARK TO TRAVEL TO THE UNITED STATES AS A WITNESS SOLELY FOR THE PURPOSE OF TRIAL TESTIMONY, IF AND WHEN NECESSARY.

B. THE REPUBLIC OF KOREA GOVERNMENT WILL PROVIDE MR. TONGSUN PARK WITH SUCH NECESSARY ASSISTANCE AS

ISSUING A TRAVEL DOCUMENT AND EXIT PERMIT IN ORDER FOR HIM TO TRAVEL ONLY TO AND FROM THE UNITED STATES AND THE REPUBLIC OF KOREA SOLELY FOR THE PURPOSE OF HIS TRIAL

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TESTIMONY BEFORE THE UNITED STATES COURT AND WILL SEE THAT  
NOTHING INTERFERES WITH MR. PARK'S FREEDOM TO TRAVEL TO  
THE UNITED STATES.

IN MAKING PUBLIC THIS JOINT STATEMENT, THE TWO

GOVERNMENTS REAFFIRM THEIR LONG-STANDING SPIRIT OF  
FRIENDLY COOPERATION AND EXPRESS THEIR SINCERE HOPE  
FOR THE EARLY SETTLEMENT OF THE PENDING PROBLEMS BETWEEN  
THE TWO GOVERNMENTS CONCERNING THE CASE OF MR. TONGSUN  
PARK. UNQUOTE. CHRISTOPHER

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